

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JAMAL EVANS,

X

Plaintiff,

— against —

CLYDE SOLOMON and
UNITED STATES OF AMERICA

Defendants.

X

TOWNES, United States District Judge:

On February 17, 2010, the Court ordered a briefing schedule in response to Defendants' motion for partial reconsideration. The Court's order was not filed on ECF until February 19, 2010. On February 18, 2010, a letter from Plaintiff was docketed on ECF indicating that (1) Plaintiff plans to seek his own motion for partial reconsideration, and (2) he requests 45 days to respond to Defendants' motion for partial reconsideration.

Plaintiff is reminded that, under Local Rule 6.3, motions for reconsideration "shall be served within fourteen (14) days after the entry of the court's determination of the original motion[.]" The Court's consideration of the original motion for summary judgment was entered on January 19, 2010 and Plaintiff's current submission was filed well outside of the fourteen-day window. Thus, any motion for partial consideration by Plaintiff would be untimely.

Nevertheless, in light of Plaintiff's request for an extension of time to respond to Defendants' motion for partial reconsideration, it is hereby **ORDERED**:

- 1) That this Court's scheduling order dated February 19, 2010 is vacated;
- 2) That Plaintiff shall serve his response to Defendants' motion, if any, on Defendants on or before April 2, 2010;
- 3) That Defendants shall serve their reply, if any, on Plaintiff and electronically file

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06-CV-3284 (SLT) (LB)

Chm

copies of the aforementioned motion papers by April 16, 2010.

SO ORDERED.

Dated: February 25, 2010
Brooklyn, New York

SANDRA L. TOWNES
United States District Judge

MR. JAMAL R. EVANS
712 RAVINE ROAD PLAINFIELD, NEW JERSEY 07062

February 4, 2010

By Priority Mail
Honorable Sandra L. Townes
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Evans v. Solomon and the United States of America
Civil Action No. CV 06-3284 (Townes, J.) (Bloom, M.J.)

Cc: Assistant U.S. Attorney Catherine Mirabile

Dear Judge Townes:

The undersigned Pro Se Plaintiff writes in response to the letter forwarded to the court from Assistant U.S. Attorney Catherine Mirabile dated January 29th 2010. Pros Se Plaintiff acknowledges that the Defense's request for a two week extension has been granted by the court, however Plaintiff also respectfully requests: (1) to submit Plaintiff's partial reconsideration of the Court's Memorandum and Order after responding to the Defense's pending motion expected February 16th 2010, (2) Due to work restrictions, Plaintiff requests a minimum of 45 days to respond to any and all future motions submitted by the Defense.

Pro Se Plaintiff intends to seek a partial reconsideration of the Court's Memorandum and Order that grants summary judgment for defendant Sgt. Clyde Solomon and all FTCA claims against Sgt. Solomon. The Plaintiff's anticipated motion will demonstrate that, through documents exchanged during discovery, Sgt. Solomon's Qualified Immunity can be nullified and the illegal search and seizure claims can be upheld. Specifically, Sgt. Solomon falsified his supplementary report in an attempt to conceal his search of the Plaintiff. (See Supplementary Case/Incident Record dated 10-6-2003 written and signed by Sgt. Clyde Solomon. Defense document D000022 Paragraph 3, Line #2). This Supplementary Case/Incident record is in direct conflict with Sgt. Solomon's initial report dated July 30th 2003 and his deposition conducted on January 22nd 2008. The fact that the Defense has consistently denied arresting the Plaintiff coupled with the falsification of a U.S. Department of the Interior/legal document, *Ipsso Facto* Officer Solomon demonstrated that he was aware of a violation of the Plaintiff's constitutional rights under the 4th Amendment and had a "reasonable belief" that his conduct was unlawful. This within itself negates qualified immunity while supporting an illegal search and seizure.

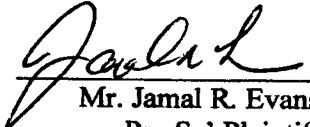
For the record, Pro Se Plaintiff "objects" to the Defense's request for an extension as well as any future motion attempting to seek partial reconsideration of the Court's Memorandum and Order, dated January 14th, 2010. It should be noted that Assistant U.S. Attorney Catherine Mirabile continually fails to allow the Plaintiff sufficient time to discuss, respond, or agree to motions forwarded to the court. The attempt by the

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April 2, 2010

U.S. Attorney's office to vacate the ruling made by the U.S. District court through the use of the Supremacy Clause of the United States Constitution and/or a private analog exception to the FTCA (28 U.S.C. §§ 1346(b)(1), 2671 et seq. (FTCA), is a frivolous legal tactic by the Defense to obtain full summary judgment and avoid potential trial. Accordingly, Pro Se' Plaintiff re-submits and respectfully request that all of his above requests are granted

Dated: 2/14/2010
Plumfield, N.J.


Mr. Jamal R. Evans
Pro Se' Plaintiff
(908) 753-5473